

REMARKS

This is a Response to the Office Action mailed November 1, 2007, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire February 1, 2008. Forty-three (43) claims, including three (6) independent claims, were paid for in the application.

By way of this Amendment, claims 1, 5, 11, 21, 22, 26 and 27 have been amended, and claims 50-67 are added. Upon entry of this Amendment, claims 1, 4-11, 21-23, 26, 27, and 50-67 are pending. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Allowable Claims

Applicant thanks the Examiner for indicating that claims 6-11 and 23 would be allowable if rewritten in independent form to include all of the limitations of their base and any intervening claim.

New independent claim 57 includes the allowable subject matter of dependent claim 6. Therefore, Applicant respectfully requests that claim 57 be allowed.

New independent claim 63 includes the allowable subject matter of dependent claim 11. Therefore, Applicant respectfully requests that claim 63 be allowed.

35 U.S.C. §112, First Paragraph Rejections

Claims 21, 26 and 27 stand rejected as allegedly failing to comply with the written description requirement. In particular, the Office Action alleges either claim 21 is misdescriptive or the specification fails to support the elected species disclosed in Figure 5 because claim 21 recited the phrase “at least one of the secondary reflectors is adapted to oscillate.” Applicant has amended claim 21 to delete the aforementioned phrase. Therefore, Applicant requests that the rejection of claim 21 be withdrawn.

However, new claim 51, which depends on claim 21, recites “wherein at least one of the secondary reflectors is adapted to oscillate.” Applicant submits that claim 51 is supported by the specification for at least the following reasons:

- 1) The filed specification states, at page 7, lines 17-18, the following:

In a further embodiment, one or more of the fixed reflector(s) may be replaced with at least one moveable reflector. The additional moveable reflector, preferably oscillating or vibration at a lower amplitude than the first reflector, creates a changing sweep angle.

(Emphasis added.)

- 2) Original claim 27, which depended from claim 21, recited “at least one of the secondary reflectors is adapted to oscillate at a lower amplitude than the first reflector.

35 U.S.C. §102(b) Rejections

Claims 1, 4-5 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,030,806 to Goshima et al. (hereinafter “Goshima”).

Claim 1 recites, *inter alia*, “a first reflector adapted to *rotationally oscillate* over a first angular range of movement and then over a second angular range of movement directionally opposite the first angular range of movement.” (Emphasis added.) Goshima discloses an optical system having a polygonal mirror that rotates in a given direction (*e.g.*, counter clockwise). Goshima fails to disclose, teach, or suggest an oscillating mirror that moves in one direction and then in another direction. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Amended Claim 21 Generic Of Species 1-3

The U.S. Patent and Trademark Office issued a five-way restriction requirement in the Office Action dated June 22, 2005. The Office Action stated species 1 was disclosed in the embodiment of Figures 2 and 3; species 2 was shown in Figure 4; species 3 was disclosed in Figure 5; species 4 was disclosed in the embodiment of Figure 6; and species 5 was disclosed in the embodiment of Figure 7. Applicant elected species 3 and argued that claims 14-17 and 19-27 were generic with respect to species 1-3.

Applicant respectfully submits that amended claim 21 is generic to species 1-3 and is allowable over Goshima. In particular, claim 21 recites, *inter alia*, “a first reflector adapted to rotationally oscillate through a first angular range of movement and a second angular range of movement directionally opposite the first angular range of movement, the first reflector passing through a reference plane when the first reflector is at a mid-point of the first angular range of motion; a first secondary reflector generally facing the first reflector and rotationally offset from being parallel with the reference plane by a first angle; and a second secondary reflector generally facing the first reflector and rotationally offset from being parallel with the reference plane by a second angle that is different from the first angle.” Applicant respectfully submits that Goshima fails to disclose, teach, or suggest at least the aforementioned limitations.

CONCLUSION

Overall, the cited reference does not teach or suggest the claimed features of the embodiments recited in independent claims 1, 21, 57 and 63, and thus such claims are allowable. Because the remaining claims depend from allowable independent claims 1, 21, 57 and 63, and also because they include additional limitations, such claims are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are allowable. Applicant, therefore, respectfully requests reconsideration of the present application and timely allowance of all pending claims. The Examiner is encouraged to contact Mr. Ringer by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes informalities in the claims, he is encouraged to contact Mr. Ringer by telephone to expediently correct such informalities.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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